

REMARKS/ARGUMENTS

No claims have been amended. Claims 42, 43, 48-50, and 54-68 remain pending in the application. Applicants respectfully request reexamination and reconsideration of the application.

Claims 42, 43, 48-50, and 54-68 were rejected under the judicially created doctrine of obvious-type double patenting in view of claims 1-56 of US Patent No. 6,117,694 to Smith et al. (the "Smith patent"). Applicants respectfully traverse this rejection.

Initially, Applicants note that the listing of prior art filed in an IDS dated June 8, 2001 has not been initialed and returned. Applicants request that the prior art identified in that IDS be considered and the listing of prior art be initialed and returned.

A double patenting rejection is available only where there is "some common relationship of inventorship and/or ownership of two or more patents or applications." (MPEP § 804, pg. 804-11.) There is neither common ownership nor common inventorship between the instant application and the Smith patent. That is, the assignees are different (the instant application is assigned to FormFactor, Inc., of Livermore, California, while the Smith patent is assigned to Tessera, Inc. of San Jose, California), and there is not a common inventor (the inventors of the instant application are Benjamin Eldridge, Gary Grube, Igor Khandros, and Gaetan Mathieu, but the inventors of the Smith patent are John Smith and Belgacem Haba). Therefore, the claims of the instant application cannot be rejected based on double patenting in view of the Smith patent.

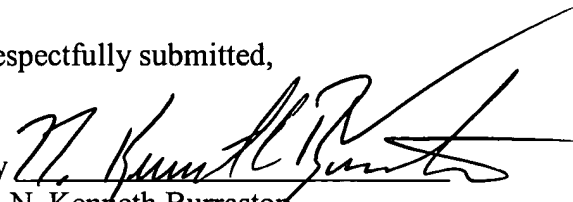
Applicants also note that the Smith patent does not appear to be prior art to the instant application. The instant application claims priority as a divisional application to application serial number 08/802,054 (now US Patent No. 6,482,013), which was filed on February 18, 1997. The Smith patent, on the other hand, was filed on March 12, 1999.

In view of the foregoing, Applicants submit that all of the claims are allowable and the application is in condition for allowance. If the Examiner believes that a discussion with Applicants' attorney would be helpful, the Examiner is invited to contact the undersigned at (801) 323-5934.

Respectfully submitted,

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By



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